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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,377	02/21/2002	Aaron D. Hanson	3978-8	4942

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EXAMINER
DESIR, PIERRE LOUIS

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/078,377	HANSON ET AL.
	Examiner	**Art Unit**	
	Pierre-Louis Desir	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- . Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02/21/2002</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-10</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-10</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>02/21/2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>02/21/2004</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

2.   Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Claim 6 recites the limitation "the behavior modification" in line 1. There is

insufficient antecedent basis for this limitation in the claim.

For the process of examination, Examiner will treat "the behavior modification"

as "policy management rules."

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office

action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent granted
on an application for patent by another filed in the United States before the invention by the applicant
for patent, except that an international application filed under the treaty defined in section 351(a) shall
have the effects for purposes of this subsection of an application filed in the United States only if the
international application designated the United States and was published under Article 21(2) of such
treaty in the English language.

4.   Claims 1-4, 6-8, 10 are rejected under 35 U.S.C. 102(e) as being

anticipated by Amin et al. U.S. Patent No. 6714987.

Regarding claim 1, Amin discloses a mobile computing network (see figs. 1 and 2) including at least one mobile computing device coupled to the network via a network point of attachment (i.e. the establishment of access session attaches the mobile host to the serving network) (see col. 5, lines 49-50), including a policy-management arrangement (see abstract) that applies policy management rules based on various metrics including mobile computing device location (i.e. Amin discloses a mobile computing network which includes both a network service function layer which is associated with an access management layer. The network service layer includes a policy management server, and the access management layer includes a policy enforcement server, a location-tracking server. The LSF/NSF network comprises of a session server with which the access management layer (AML) must be in association to provide services. The session server, which is associated with the AML, provides services such as address translation, location service, and bandwidth management and admission control. Also, the AML component performs controlling and policy enforcement function. Thus, one skill in the art would immediately envision that policy-management, as described by Amin and seen in the schematics disclosed, is included within the mobile computing network, and the policy management is based on various metrics including location-tracking and bandwidth availability) (see abstract, figs. 1-3, and 7, col. 13, lines 66-67, col. 14, lines 1-3, and 39-42).

Regarding claim 2, Amin discloses a network (see claim 1 rejection) further comprising a distributed processing arrangement that distributes processing of attributes of the rules at the mobile computing device and/or the mobility management server (i.e. the policy management server distributes policies/rules to the network devices to enforce

the policies defined by the network administrator; thus one skill in the art would immediately envision that the policy management server which defines policies for users and network devices, for distributing attributes of the rules to users and network devices, has to be inherently comprised of appropriate processing arrangement for the distribution of those policies) (see col. 28, lines 51-52).

Regarding claim 3, Amin discloses a network (see claim 1 rejection) further comprising a priority arrangement that prioritizes the rules by position in the entry in such table (i.e. the policy management server, which is part of the core network, distributes policies/rules to the network devices and the users. The policy relevant information is distributed at the appropriate hierarchy network layer in order to expedite real time critical decisions (see col. 28, lines 49-59).

Regarding claim 4, Amin discloses a network (see claim 1 rejection) further comprising a data store for the rule attributes that is locally or centrally administered via central management services (i.e. Amin discloses a directory server, part of the NSF service layer, which stores the user service profile and policy/rule in a database. The directory server communicates with other network components such as policy management server that defines and distributes policies to users and network devices)(see fig. 2, col. 28, lines 51-52 and col. 29, lines 1-7).

Regarding claim 6, Amin discloses a network (see claim 1 rejection) wherein the effect of the behavior modification (as stated above being treated as 'policy management rules') is to allow, deny or delay a request based on attributes of the rules (see col. 14, lines 49-63).

Regarding claim 7, Amin discloses a network (see claim 1 rejection) further

comprising an arrangement that invokes a rule or set of rules to modify the

application(s) processes even if the application is already started (i.e. Amin discloses a

policy management server, which provides policy decisions to control the network

behavior provided to the user) (see col. 28, lines 52-54).

Regarding claim 8, Amin discloses a network (see claim 1 rejection) further

comprising point of presence information that is used to provide relevant information to

the mobile computing device (i.e. once the access session is established, subscriber

management services are executed, and the mobile host establish a point of presence at

the local serving network) (see col. 6, lines 63-67, and col. 7, lines 1-4).

Regarding claim 10, Amin discloses a network further comprising an arrangement

that extracts topological information is result of the location information (i.e. when a

mobile host moves to a new location, a new directory name system (DNS) hierarchy is

established bases on user's current location) (see col. 29, lines 7-26).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Amin in view of Bowman-Amuah, U.S. Patent No. 6438594.

Regarding claim 5, Amin discloses a network comprising of a policy management

server that defines business and services concerns policies for users and network devices,

and provides policy decisions to control network behavior provided to the user (see col. 28, lines 48-54). One skill in the art would immediately envision that because the policy management server defines business and services concerns, the business and services concerns may be based on cost of service, point attachment, and security.

Although Amin discloses a network as disclosed above, Amin fails to specifically disclose a network further comprising an arrangement that modifies behavior of a particular application(s) based on a number of metrics including cost of service, network point of attachment, and trust relationship.

However, Bowman-Amuah discloses a network in which routing decisions are based on the cost, percent utilization, and reliability (see col. 89, lines 12-18).

Amin and Bowman-Amuah are analogous art because they are from the same field of endeavor

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine both teachings in order to arrive at the claimed invention. The motivation for such combination would have been to ensure the security of the application.

Regarding claim 9, Amin discloses a network (see claim 1 rejection) comprising of a policy management server, which provides policy decisions to control network behavior provided to the user (see col. 28, lines 52-54).

Although Amin discloses a network as disclosed above and in claim 1 rejection, Amin fails to disclose a network further comprising an arrangement that uses rate of motion along with distance measurements to alter behavior of applications and/or the communication path.

However, Bowman-Amuah discloses a network where the packet

forwarding/internetworking service transfers data packets and manages the path that data

takes through the network. Bowman-Amuah continues by disclosing that the packet

forwarding/internetworking service can maintain routing information that is used to

determine the best route for each packet, where the routing decisions are made based on

the cost, percent utilization, delay (i.e. rate of motion), and total distance of each path

(see col. 88, lines 65-67, col. 89, lines 12-18, col. 90, lines 1-5).

Amin and Bowman-Amuah are analogous art because they are from the same

field of endeavor.

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to combine the teachings of Amin with the teachings of Bowman-Amuah

to arrive at a network further comprising an arrangement that uses rate of motion along

with distance measurements to alter behavior of applications and/or the communication

path. The motivation for such combination would have been to allow accurate receiving

of information and to ensure the information is directed to the appropriate destination.

Conclusion

7.   Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Pierre-Louis Desir whose telephone number is

703-605-4312. The examiner can normally be reached on Monday-Friday from 0800-

1630.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David R Hudspeth can be reached on (703) 308-4825. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Pierre-Louis Desir
AU 2681
11/05/2004

JEAN GELIN
PRIMARY EXAMINER